

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D. C. 20548

**FILE:** B-207953 **DATE:** July 6, 1982

**MATTER OF:** Euclid Design & Development Co.,  
Clark Division

**DIGEST:**

Whether bidders are regular dealers or manufacturers under the Walsh-Healey Public Contracts Act is for determination by the contracting agency subject to final review by the Small Business Administration and the Secretary of Labor.

Euclid Design & Development Co., Clark Division (Euclid), protests award of a contract to any other bidder under solicitation No. DAAE07-82-B-5468 issued by the United States Army Tank-Automotive Command. Euclid contends that the other offerors do not appear to meet the prerequisites of a regular dealer or manufacturer as set forth under the Walsh-Healey Public Contracts Act.

Our Office does not consider questions as to whether a bidder is a regular dealer or manufacturer within the meaning of the Walsh-Healey Public Contracts Act, 41 U.S.C. §§ 35-45 (1976). Such matters are by law for the contracting agency's determination in the first instance, subject to final review by the Small Business Administration (where a small business is involved) and the Secretary of Labor. Gillette Industries, B-204232, August 13, 1981, 81-2 CPD 139.

Accordingly, the protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel